



Patent

Attorney's Docket No. 1033022-000010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP AMENDMENT</b>
Hironobu Sai et al.	)	
Application No.: 10/673,188	)	Group Art Unit: 2814
Filed: September 30, 2003	)	Examiner: MARC ANTHONY
For: SEMICONDUCTOR LIGHT	)	ARMAND
EMITTING DEVICE AND METHOD	)	
OF MANUFACTURING THE SAME	)	Confirmation No.: 1256
	)	
	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In an Office Action dated July 10, 2008, the Examiner alleges that restriction to one of the following Species is required under 35 U.S.C. §121:

- I. Claims 3, 4, 10, 11, 12, 13, 15 reading on Figures 1, 2; and
- II Claim 14 regarding on Figure 7.

Applicants hereby provisionally elect Species I, Claims 3, 4, 10, 11, 12, 13, 15 reading on Figures 1, 2, for prosecution on the merits. This election is made with traverse.

Applicants submit that the restriction requirement is in error. It is believed that in examining the non-elected claims, the Examiner will search the same classes of art as is required to search the invention of the elected claims, resulting in the same references being cited against both of the aforementioned groups of claims.

Thus, this restriction will not reduce the workload of the U.S. Patent and Trademark Office or simplify prosecution of the application. As set forth in M.P.E.P. § 803, there are two criteria for a proper restriction requirement between patentably

distinct inventions: (1) the inventions must be independent or distinct as claimed; and  
(2) there must be a serious burden on the Examiner if restriction is not required.

This portion of the M.P.E.P. requires that if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Accordingly, reconsideration and withdrawal of the aforementioned restriction requirement is respectfully requested. The provisional restriction is hereby made without prejudice to Applicants' right to file a divisional application or applications should the restriction and election requirements become final.

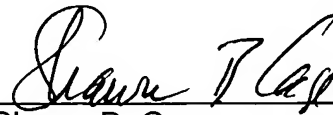
Should any questions arise regarding this reply, or the application in general, Applicants' undersigned representative can be reached at the telephone number given below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 6, 2008

By:



Shawn B. Cage  
Registration No. 51522

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620